IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP NO.7096 OF 2007
DATE OF DECISION: 05.05.2008

Major J.S.Dhillon

.....PETITIONER

VERSUS

Union of India and others

.....RESPONDENTS

CORAM:- **HON'BLE MR.JUSTICE HEMANT GUPTA**
HON'BLE MR.JUSTICE MOHINDER PAL

PRESENT: Mr.R.S.Malhotra, Advocate
for the petitioner.

HEMANT GUPTA, J.

The petitioner has invoked the writ jurisdiction of this Court having served Indian Army for disability pension. The petitioner joined in the rank of 2nd Lieutenant on 16.06.1950 and attained the age of superannuation on 18.10.1976. It is the case of the petitioner that he became entitled to the pensionary benefits on 31.07.1976 but the same were forfeited vide order dated 24.11.1980 (Annexure P2). The petitioner claims pension for the period he served Indian Army.

In reply, it has been pointed out that the petitioner was removed from service in accordance with Section 1(a) of Army Act, 1950 read with Rule 14 of Army Rules, 1954 and, therefore, in terms of Regulation 16(A) of Pension Regulation of Army part-1, 1961, the pension

stands forfeited.

The order forfeiting the pension was passed on 24.11.1980. There is no specific challenge to the said order in the present writ petition. In any case, the challenge to the said order suffers from gross delay and laches. The petitioner was removed from service. Therefore, the pension stands forfeited.

In view of the above, we do not find any ground to interfere in the writ jurisdiction of this Court.

Dismissed in limine.

(HEMANT GUPTA)
JUDGE

(MOHINDER PAL)
JUDGE

May 05, 2008
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